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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,903	11/04/2003	Kevin Dean Sisken	DDC 0540 PUS	7789
22045	7590	10/15/2004	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			HOANG, JOHNNY H	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/700,903

Applicant(s)

SISKEN, KEVIN DEAN

Examiner

Johnny H. Hoang

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/042003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Election/Restrictions filed on 08/02/2004. Applicant provisionally elected to prosecute the **claims 1-5, and 10-13**.

2. Applicants provisionally elected the claims 1-5, and 10-13; in Prior Paper is acknowledged. The traversal is on the ground(s) that search and examination of the application could be made without serious burden. This is not found persuasive because, the examiner has indicated separate classifications of the subject matter of the respective inventions. For purposes of the initial requirement, a serious burden on the examiner may be *prima facie* shown if the examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP § 808.02. That *prima facie* showing may be rebutted by appropriate showings or evidence by the applicant. Applicant's allegation that search and examination of the application could be made without serious burden is unsupported by appropriate showings or evidence.

The requirement is still deemed proper and is therefore made FINAL.

3. Claims 6-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Prior Paper.

Claims 6-9 of group (II), drawn to **Figs. 2, 4-5**, which is different from the species of Group (I).

Accordingly, claims 6-9 are not examined on this merit.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5, and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Stroia et al (US 6,735,940 B2).

Regarding claim 1, the reference of Stroia et al discloses an adsorber after treatment system having dual adsorbers including the following subject matters:

a first exhaust path for receiving and routing exhaust gases (abstract; and col. 4, lines 12-20);

a first NOx adsorber (26) located in the first exhaust path (Fig. 1; col. 4, lines 12-37);

a second exhaust path for receiving and routing exhaust gases (above discussions).

a flow control valve (24) between the exhaust manifold (14) and the first and second exhaust paths for controlling the relative amounts of exhaust gas flowing through the first and second exhaust paths (above discussions); and

a first injector (30) for injecting a reductant into the exhaust gas stream, the first injector (30) being located so as to inject the reductant at a location adjacent to the flow control valve (24) to cause mixing of the reductant and the exhaust gas and to allow regeneration of the first NOx adsorber (26) (col. 4, lines 20-67; and above discussions).

Regarding claim 2, as shown in fig. 1.

Regarding claim 3, the reference of Stroia et al further discloses:

a second Nox adsorber (28) located in the second exhaust path (Fig. 1, and above rejection); and

a second injector (32) for rejecting a reductant into the exhaust gas stream, the second injector (32) being located so as to inject the reductant at a location adjacent to the flow control valve (24) to cause mixing of the reductant and the exhaust gas and to allow regeneration of the second Nox adsorber (28) (as discussed in claim 1).

Regarding claims 4, and 5, as discussed in claims 1, and 3.

Regarding claims 10-13, as discussed in all above rejections.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The copies of U.S Patent are provided.

Buetel et al (US2004/0040287 A1), Laroo et al (US 6,779,339 B1), and Deeba et al (US 6,105,365).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny H. Hoang whose telephone number is (703) 308-2782. The examiner can normally be reached on Monday - Thursday (7:00Am-5: 30Pm).

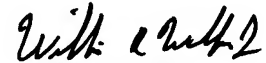
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (703) 308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3747

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHH
October 14, 2004

Johnny H. Hoang
Examiner
Art Unit 3747


Willis R. Wolfe
Primary Examiner
Art Unit 3747